

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

ANTONIO CABALLERO,

Plaintiff,

v.

FUERZAS ARMADAS REVOLUCIONARIAS DE
COLOMBIA, ET AL.,

Defendant.

Civil Case No. 20-MC-00040-LJV

**NOTICE BY THE UNITED STATES CONCERNING POTENTIAL PARTICIPATION
AND REQUEST FOR EXTENSION**

On March 4, 2022, the Court entered an order inviting the United States to submit a brief addressing three specific questions posed by the Court, as well as “any other issues raised by this litigation that the United States deems of interest.” Order, ECF No. 106, at 4. The United States appreciates the Court’s invitation.¹

The Court requested that the United States “submit[] a response indicating whether it accepts the invitation by no later than March 18, 2022.” *Id.* at 5. The Court further stated that “[i]f the United States needs additional time to respond, it may request an extension from the Court.” *Id.* Although the United States has endeavored to comply with this schedule, it has determined that it will not be able to do so by the date requested and respectfully submits that it will require additional time. The United States is diligently considering the Court’s inquiry; a

¹ A submission by the United States in this matter would be pursuant to 28 U.S.C. § 517, which authorizes the Attorney General to send any officer of the Department of Justice “to attend to the interests of the United States in any suit pending in a court of the United States, or in a court of a State, or to attend to any other interests of the United States.”

process that requires consultation among multiple entities within the Executive Branch. Because the Court's inquiry raises complex issues of international and domestic law, additional time is required to complete the consultation.

The United States anticipates that it will be able to advise the Court by April 18, 2022 whether it intends to file a Statement of Interest in this matter, and if so, the date by which it would expect to be able to file its Statement of Interest. Counsel for the United States have consulted with counsel for the Plaintiff and counsel for PDVSA and its subsidiaries and both parties consent to the above schedule.

The United States appreciates the Court's patience and consideration in this matter.

Dated March 18, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

ANTHONY J. COPPOLINO
Deputy Branch Director

DIANE KELLEHER
Assistant Branch Director

/s/ Joseph E. Borson
JOSEPH E. BORSON (Va. Bar No. 85519)
Trial Attorney
U. S. Department of Justice
Civil Division, Federal Programs Branch
1100 L St., NW
Washington, D.C. 20005
Tel. (202) 514-1944
Email: joseph.borson@usdoj.gov

Counsel for the United States of America